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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/559,820	04/28/2000	Takashi Murai	Q59071	3230

7590

03/28/2002

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EXAMINER

MCANULTY, TIMOTHY P

ART UNIT

PAPER NUMBER

3682

DATE MAILED: 03/28/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/559,820

Applicant(s)

MURAI, TAKASHI

Examiner

Timothy P McAnulty

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____. | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The amendment filed 04 February 2002 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: the axial length of the run-out portion being less than the roller effective length as amended in paragraph 1 on page 23..

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 10-13 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. It is not understood how the roller run out preventing portion can be equal to or less than the length of the roller effective length and longer than the length of the roller effective length by three-fourths the length of the roller effective length.

Claim Rejections - 35 USC § 102

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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5. Claims 1,2 and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Bessone et al..

Bessone et al. in figure 4, discloses a retainer for a rolling bearing comprising a rolling element receiving pocket 7 for receiving a rolling element wherein said pocket 7 defined by a pair of ring-shaped side plates and a pair of pillars each having end portions which are connected to said ring-shaped side plates. Bessone et al. in figure 2, discloses said pocket comprising an arc shaped first pocket surface 19 formed on each of said pillar to prevent roller element run-out, a second pocket surface 17 formed on each of said ring-shaped side plates and an escaping recess 13 disposed between said first and second pocket surfaces wherein the minimum plate width of said ring-shaped side plates at said escaping recess is made uniform. Bessone et al. in figure 2, further discloses the width of said pocket in the revolving direction of the retainer is made smaller than the diameter of said rolling element and the length of said first pocket surface 19 is made shorter than the effective length of said rolling element. Finally Bessone et al. in lines 18 and 19 of column 2 discloses the use of rolling bodies and suggests but does limit itself to the use of cylindrical rollers.

The limitation as to the formation of the pocket surfaces by machining with a tool member or multiply tool members whose machining part has a sectional contour which coincides with a sectional configuration of said pocket surfaces after formation of said pocket does not further limit the retainer as claimed. Even though product - by process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. See MPEP § 2113.

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Claim Rejections - 35 USC § 103

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 3-5 and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bessone et al. in view of German Patent No. 1062069.

Bessone et al. discloses the basic apparatus as previously cited but does not disclose said first pocket surface 19 being arc-shaped. However, German Patent No. 1062069 teaches in figures 1-3, a bearing retainer including pocket surfaces 6 being arc-shaped. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the apparatus of Bessone et al. in view of the teachings of German Patent No. 1062069 to include the first pocket surface being arc-shaped to conform to the curvature of a rolling element inserted in said rolling element receiving pocket.

Response to Arguments

8. Applicant's arguments with respect to claims 1,2 and 6 have been fully considered but they are not persuasive. Claims 1,2 and 6 do not include the limitation of the first pocket surface being arc-shaped.

9. Applicant's arguments with respect to claims 3-5 and 7-9 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 4,744,679 to Verburg et al.

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U.S. Patent No. 4,942,652 to Hazebrook et al.

U.S. Patent No. 2,890,627 to Onksen et al.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy P McAnulty whose telephone number is 703.308.8684. The examiner can normally be reached on Monday-Friday (7:30-5:00) alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci can be reached on 703.308.3668. The fax phone numbers for the organization where this application or proceeding is assigned are 703.305.7687 for regular communications and 703.305.7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.308.1113.



Lenard A. Footland
Primary Examiner

tpm

March 19, 2002

